REMARKS
Reconsideration and Allowance
are Respectfully Requested

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the remarks that follow.

Claims 1-4, 6 and 8-38 are currently pending. Claims 17, 29 and 36 have been amended. Claims 5 and 7 have been canceled to further the prosecution, although the FRC protocols are well known and, therefore, not believed to be indefinite. No claims have been added. No new matter has been added. Reconsideration is respectfully requested.

Claim 17 has been amended to overcome the 112 rejection and is now believed to be in condition for allowance, as this was the only outstanding grounds for rejection.

In paragraph 5 of the Office Action, claim 19 was rejected under Mishra. However, this appears to be a typographical error. Applicant, in its response, has made remarks with regard to claim 29, instead of claim 19.

Claims 29 and 36 have been amended to now claim an IP network. The Mishra reference relied upon relates to an ATM network, not an IP network as disclosed and claimed by Applicant.

An ATM network does not have the same attributes as an IP network. An ATM has a built-in quality of service as the bandwidth is always the same, whereas an IP network is a best effort network and bandwidth varies.

In an ATM network the bandwidth is constant and the amount of traffic varies. Thus, in Mishra the feedback and available network bandwidth have to do with the amount of traffic on the bandwidth and then adjusting the video transmission accordingly. With Applicant, and on an IP network, the

bandwidth itself is monitored as it can constantly change.

Still further, and with regard to claim 36, Mishra fails to disclose the claimed packaging of media frames and protocol parameters in accordance with an established bit rate and the claimed packetizer which supposedly performs this function. Claim 36 requires packaging the amount of bit rate available in the network for a receiver to use.

In contrast, Mishra merely detects the presence or absence of network congestions and uses a single "congestion notification bit" for measuring the congestion level. Mishra fails to package the amount of bit rate available for the receiver and only sends 1 bit of historical information about congestions that occurred in the past.

Mishra similarly fails to disclose limitations required by claim 29. Specifically, Mishra fails to measure the bit rate available in the network and he fails to send packets in accordance with the adjusted bit rate. Mishra updates video quality instead of adjusting the bit rate.

It is typical for video compression algorithms to work in a non-linear fashion where the amount of differences between video frames can cause dramatic changes in the resulting bit rate of the compressed video stream. Thus adjusting video quality doesn't necessarily provide adjustment of the bit rate. It is typical for video compression algorithms to require more bit rate when significant changes between consecutive video frames occur, in spite of reductions in the video quality.

Moreover, Mishra adjusts video quality always in the same pace regardless of the amount of the change in the available bit rate. This is because Mishra sends a single "congestion notification bit" and fails to measure the degree of the congestion and the amount of the available bit rate.
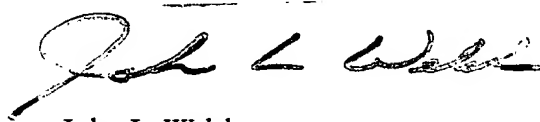
For the reasons stated above, Applicant believes Mishra does not meet all of the claimed limitations and respectfully requests the rejection under 102 be withdrawn and claims 29, 30 and 36-38

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be passed to issuance.

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicants' representative at the below number.

Respectfully submitted,

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